

CRIMINAL DOCKET  
UNITED STATES DISTRICT COURT

BARROW

74-CR-86

D. C. Form No. 100A Rev.

| TITLE OF CASE  | ATTORNEYS   |
|--|---|
| <p>THE UNITED STATES</p> <p>vs.</p> <p>FRED <b>D.</b> SMITH (Jail)</p> <p>TRUE NAME: FREDDIE D. SMITH</p> <p><i>P.O. Box 1000, Bldg 10</i><br/><i>Seagoville, Texas</i><br/><i>75159</i></p> | <p>For U. S.:</p> <p>Nathan Graham<br/>U.S. Attorney</p> <p>For Defendant:</p> <p>Ollie Gresham (ret.)<br/>Mayo Building<br/>Tulsa, Oklahoma 74103<br/>582-5277</p> |

| STATISTICAL RECORD  | COSTS      | DATE | NAME OR RECEIPT NO. | REC. | DISB. |
|---|------------|------|---------------------|------|-------|
| J.S. 2 mailed <b>7-1-74</b><br><i>mental 6-26-74</i>  | Clerk      |      |                     |      |       |
| J.S. 3 mailed <b>12-1-74</b><br><i>Suppl. 3-2-79</i>  | Marshal    |      |                     |      |       |
| Violation Interference w/<br>commerce by threats<br>or violence and<br>use of firearm to<br>commit felony | Docket fee |      |                     |      |       |
| Title T.18, USC 1951 and<br>Sec. T.18, USC 924(c)   |            |      |                     |      |       |
| Ct. I - \$10,000 and/or<br>20 yrs.  |            |      |                     |      |       |
| Ct. II- Not less than 1<br>yr. nor more than<br>10 yrs.   |            |      |                     |      |       |

| DATE    | PROCEEDINGS  |
|---------|--|
| 6-13-74 | Indictment, filed in open court.jj   |
| 6-13-74 | Record vote of grand jury, filed in open court.jj  |
| 6-13-74 | MO: Case set for arraignment 6-18-74 at 10:00 A.M. (AEB-J)jj<br>Notices mailed and atty contacted by telephone.  |
| 6-14-74 | Magistrate papers added to file. v   |
| 6-18-74 | Case called for Arraignment and plea. Deft. present and<br>represented; govt. represented. Deft. acknowledges receipt<br>of Indictment. The deft. is arraigned and enters a plea of<br>guilty. After statements made by the Deft. the court rejects<br>his plea of guilty and enters a plea of NOT GUILTY. Crt.<br>allows amendment of Indictment as to true name of Defendant-Fredie<br>D. Smith. Deft. is to file formal application for reduction of<br>bond. (Case set for next jury docket on July 22, 1974. (AEB-J)s |
| 6-19-74 | Petition of Deft. to enter plea of guilty, filed. 1m <i>copy to Deft</i>   |
| 6-23-74 | Case set for change of plea Wednesday 6-26-74 at 3:00 P.M. (AEB-J)hm   |

| DATE     | PROCEEDINGS   |
|----------|---|
| 6-26-74  | <p>Case called for Change of Plea. Deft. present and represented; govt represented. Deft. advised of charge. The Deft. changes his plea from not guilty to GUILTY and it is adjudged that the deft. is guilty as charged. At the request of Deft's Counsel the court sentences the deft. this date.</p> <p>Judgement and Sentence-FREDDIE D. SMITH</p> <p>Count 1- 20 yrs</p> <p>Count 2- 10 yrs Making a maximum period of 30 yrs, for a study as described in 18 U.S.C.A. Section 4208(c), the results of such study to be furnished this court within 90 days, whereupon the sentence of imprisonment herein imposed may be subject to modification in accordance with 18 U.S.C.A. Section 4208(b). (AEB-J)s</p> |
| 7-8-74   | <p>Appl'n. for Order authorizing return of "bait money" to Helmerich &amp; Payne, inc., filed. lm o b g</p>   |
| 7-9-74   | <p>Order, filed, directing F.B.I. to return the sum of \$6,400.00 in their possession to Helmerich &amp; Payne, Inc. (AEB-J)g <i>copy to US Atty.</i></p>   |
| 7-16-74  | <p>J&amp;C, ret. &amp; filed: defendant delivered to U. S. Pen., Leavenworth, Ks. on 7-5-74. g</p>  |
| 8-27-74  | <p>Order, filed, extending time for study &amp; treatment, and report, on defendant to 10-21-74. (AEB-J)g <i>copy to US Pen. &amp; Atty.</i></p>  |
| 11-11-74 | <p>Case set for definitive sentence 11-19-74 at 10:00 a.m. (AEB-J)hm</p>  |
| 11-19-74 | <p>Case called for Definitive Sentencing. Deft. present &amp; rep. Govt. rep. Deft. &amp; counsel are asked if they care to say anything before sentence is passed, &amp; no cause to the contrary being shown:</p> <p>JUDGMENT &amp; SENTENCE - FREDDIE D. SMITH</p> <p>Ct. 1 - It is adjudged that the deft. is committed to the custody of the Atty. Gen. for a period of 15 years,</p> <p>It is further adjudged that deft. is committed to the custody of the Atty. Gen. for a period of 5 years as to Ct. 2, such imposition of sentence to run consecutively to that of Ct. 1. Court requests a report in 90 days. (AEB-J)k</p>  |
| 11-19-74 | <p>Judgment &amp; Commitment, filed &amp; entered. (AEB-J)k</p>   |
| 11-19-74 | <p>2 cc to USM. k</p>   |
| 1-3-75   | <p>Return on J&amp;C, filed. Delivered deft. on 11-19-74 to Tulsa Co. Jail, Tulsa, OK; delivered deft. to City Jail, Shreveport, LA, on 12-12-74; delivered deft. to U. S. Pen. at Atlanta, GA, on 11-18-74. k</p>  |
| 2-19-75  | <p>Motion for Discretionary Modification of Sentence, filed. lm</p>   |
| 3-3-75   | <p>Petition for Writ of HC Ad Testificandum, filed. b</p>   |
| 3-3-75   | <p>Order Granting writ of HC Ad Testif., signed &amp; filed. (AEB-J)b <i>copy made</i> Writ issued. b</p>   |
| 3-3-75   | <p>MO: Case set for hearing on reduction of sentence on 3-10-75, at 10:00 A.M. (AEB-J)b</p>   |
| 3-7-75   | <p>Motion of U.S.A. in form of obj., and objects to issuance of subpoena on Walt Helmerich, w/brief in support thereof, filed. rm <i>copy to file</i></p>   |
| 3-10-75  | <p>Case called for hearing on deft's motion for reduction of sentence. Deft. present &amp; represented. Govt. represented. Deft. counsel announces withdrawal</p>   |

(CONTINUED)

D. C. 109 A  
CRIMINAL DOCKET

| DATE           | PROCEEDINGS   |
|----------------|---|
| 3-10-75        | of subpoena. Govt. makes oral application to withdraw motion in form' of objection to issuance of subpoena on Walt Helmrich. Motion stricken as moot. Hearing passed to later in the week.(AEB-J)b  |
| 3-14-75        | Case called for hearing on deft's motion for reduction of sentence. Deft. present & represented. Govt. represented. Deft's counsel makes statement. Order amending sentence of Deft signed & filed in open court.(AEB-J)b   |
| 3-14-75        | Order, filed & entered amending Sentence imposed on 11-19-74. Sentence to be: Ct. 1 - 15 yrs, eligible for parole in the parole board's discretion pursuant to 18 USC, Sec. 4208(a)(2).<br>Ct. 1 - 5 yrs, eligible for parole in the parole board's discretion pursuant to 18 USC Sec. 4208(a)(2)., the imposition of sentence to run consec. to sentence imposed in Ct. 1.<br>The court recommends incarceration at a minimum security instit. near Tulsa. Institution at Seagoville or Texarkana, Texas, is recommended. Ct. also recommends Deft. be given furloughs as frequently as Deft's good conduct & prison policy allows.(AEB-J)b cps mld. |
| 3-14-75        | Two c/c of ORDER delivered to USM. b  |
| 3-21-75        | WHCAT, ret. & filed: deft. delivered to Tulsa County Jail on 3-7-75, and ordered returned to FCI, Texarkana, Tx., 3-21-75. g  |
| 2-7-77         | Reporter's transcript of arraignment & plea, 6-18-74, filed. g  |
| 2-7-77         | Reporter's transcript of arraignment, plea & sentence, 6-26-74, filed.g   |
| 2-7-77         | Reporter's transcript of hearing on motion for reduction of sentence, 3-14-75, filed. g   |
| 2-7-77<br>1978 | Reporter's transcript of definitive sentence, 11-19-75, filed. g  |
| 3-14-78        | Deft. mot. to vacate, set aside, or correct sentence, fld. ho   |
| 5-23-78        | Order that motion to vacate pursuant to 28 U.S.C. 2255 is overruled, denied & dismissed, filed. (AEB-J)g cpy to Smith & US Atty. g  |
| 6-5-78         | Deft. mot. to reconsider order on in the alternative, mot. for leave to take an interlocutory appeal in forma pauperis. fld. ho   |
| 6-22-78        | Order from 10th Circuit, filed, denying Smith's petition for writ of mandamus in civil case 78-C-116. rm  |
| 7-26-78        | Order, fld. & entered It is ordered that the Cts. Order of 5-23-78, overruling & denying the \$2255 mot. of Freddie D. Smith is reaffirmed & adopted. The \$2255 mot. is denied & dismissed. (AEB-J)ho c/m  |
| 8-9-78         | Deft. not. of appeal of order of 7-26-78, fld. cps. mailed to counsels & U.S.C.A. ho (78-C-116-B)   |
| 9-11-78        | Orig. appeal record (1 vol., 1+1 copy)(78-C-116-B), transmitted to USCA.rm  |
| 9-22-78        | Letter from 10th Circuit, assigning No. 78-1760. rm   |
| 2-12-79        | Mandate and opinion of 10th Circuit, re 2255 motion, filed and spread of record, reversing Judg. and Order; and remanding w/directions to permit petitioner to withdraw his plea to the 18 USC Sec. 924(c) charge - Ct. II. rm  |

| DATE    | PROCEEDINGS   |
|---------|---|
| 1979    |   |
| 2-15    | MO: Case is set for arraignment & plea as to Count 2 on 2-20-79, at 2:00 P.M. (AEB-J) b nts mld   |
| 2-16    | Orig. appeal record (1 vol), RE2255 motion's, received from USCA. rm  |
| 2-20-79 | MO: Case is stricken from arraign. dkt. of this date, due to illness of Judge Barrow. To be reset at later date. (AEB-J) b Instit. advised this date by phone |
| 3/2/79  | Order, filed and entered, dismissing Ct. 2 of the Indictment. (HDC-J) v -cps. mld.  |
|         | <u>3/79 ho</u>  |

UNITED STATES MAGISTRATE

NORTHERN DISTRICT OF OKLAHOMA

RECORD OF PROCEEDINGS IN CRIMINAL CASES

74-CR-86

BEFORE Morris L. Bradford

(Name of magistrate)

U. S. Court House, Tulsa, Oklahoma

(Address)

MAGISTRATE'S  
DOCKET No. 74 CASE No. 101M  
THE UNITED STATES  
vs.  
FRED D. SMITH

Complaint filed on June 4, 1974, by Donald H. Sloat  
Official title Special Agent, FBI, charging violation of  
United States Code, Title 18, Section 1951 and 1924 (c)  
1974, at Tulsa, Oklahoma in the  
division of the Northern district of Oklahoma  
as follows: Did unlawfully, knowingly and wilfully ob-  
struct the movement of articles in interstate commerce  
by threatened physical violence to Walter H. Helmerich,  
III in furtherance of the extortion plan and did use a  
firearm in furtherance of the extortion plan

(Here insert brief summary of facts constituting offense charged)

WARRANTS OR SUMMONS ISSUED:

Date June 4, 1974 Warrant/Summons for Fred D. Smith

to (name and title of officer) U. S. Marshal Service or any other authorized officer  
Substance of return

Date Warrant/Summons for

to (name and title of officer)  
Substance of return

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO MAGISTRATE:

Date June 4, 1974 Arrested by

on warrant of Morris L. Bradford  
(Name of issuing officer)

Appearances { for United States Hubert H. Bryant  
for accused None

without warrant.  
Tulsa, Oklahoma

Proceedings taken Defendant appeared in person before the undersigned Magistrate and

(Here insert with dates, when appropriate, a serial account of essential steps taken at hearing such as "complaint prepared,"  
was advised of his right to counsel at this proceeding and all future proceedings.

if arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived,"  
Defendant waived counsel for this hearing only and advised he would retain counsel.

if that is the fact; any adjournments taken, etc.  
Defendant was informed of the charges filed against him as contained in Complaint,  
of his right to bail and right to a preliminary hearing. Bail was set at  
\$1,000,000 cash or surety. Preliminary hearing was set for June 12, 1974 at  
10 A.M.

Outcome Defendant remanded to custody of U. S. Marshal in lieu of bond

Bail fixed June 4, 1974 Amount, \$ 1,000,000 Bonded  
deposited by (name) Address  
transmitted to clerk of district court, 19 [or] by surety  
(name) Address  
(name) Address, who  
justified by affidavit dated, 19 [or] committed to  
on, 19

SUBPOENAS FOR WITNESSES ISSUED:

\_\_\_\_\_, 19\_\_\_\_, for (name of witness) \_\_\_\_\_  
at request of (name of party) \_\_\_\_\_  
Substance of return \_\_\_\_\_

\_\_\_\_\_, 19\_\_\_\_, for (name of witness) \_\_\_\_\_  
at request of (name of party) \_\_\_\_\_  
Substance of return \_\_\_\_\_

\_\_\_\_\_, 19\_\_\_\_, for (name of witness) \_\_\_\_\_  
at request of (name of party) \_\_\_\_\_  
Substance of return \_\_\_\_\_

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date \_\_\_\_\_ Appearances for \_\_\_\_\_

United States

(Name) \_\_\_\_\_

(Address) \_\_\_\_\_

Accused

(Name) \_\_\_\_\_

(Address) \_\_\_\_\_

WITNESSES FOR UNITED STATES: (List names and addresses)

WITNESSES FOR ACCUSED:

(List names and addresses)

Witness payroll containing \_\_\_\_\_ names certified to United States Marshal for payment \_\_\_\_\_, 19\_\_\_\_

Proceedings taken

JUNE 7, 1974: Upon Application to Release Monies, Order was entered that  
\$693,000.00 now in possession of FBI, be returned forthwith  
to the custody and control of Utica National Bank and Trust  
Company and that proper receipt be taken by the FBI.

INDICTED BY GRAND JURY ON JUNE 13, 1974.

Outcome \_\_\_\_\_

Bail fixed \_\_\_\_\_, 19\_\_\_\_ Amount, \$ \_\_\_\_\_ Bonded \_\_\_\_\_, 19\_\_\_\_, by cash  
deposited by (name) \_\_\_\_\_ Address \_\_\_\_\_  
transmitted to clerk of district court \_\_\_\_\_, 19\_\_\_\_  
[or] by surety (names) \_\_\_\_\_ Address \_\_\_\_\_  
and \_\_\_\_\_ Address \_\_\_\_\_  
who justified by affidavit \_\_\_\_\_, 19\_\_\_\_ Committed to \_\_\_\_\_  
on \_\_\_\_\_, 19\_\_\_\_

Certified to be a correct transcript.

Made this 14th day of June, 19 74

Transmitted to Clerk of United States District Court for the Northern  
district of Oklahoma, June 14, 19 74

*Marion R. B. [Signature]*  
United States Magistrate.